

## **Remarks**

The above Amendments and these Remarks are in reply to the Office action mailed October 6, 2006. Currently, claims 1-41 are pending. Applicants have amended Figure 1, amended claims 13 and 23 and cancelled claims 1-12, 14-22 and 26-41. Applicants respectfully request reconsideration of claims 13, and 23-25.

### **I. Summary of the Examiner's Objections**

Claim 1 is objected to because of informalities. It should be terminated with a period.

Claims 23-31 were objected to under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 32 was objected to because there were two transitional phrases, namely "including, comprising".

Claims 32, 41 were rejected under 35 U.S.C. §101 because the claimed invention is drawn to non-statutory subject matter since the claims are drawn to an abstract mathematical algorithm or disembodied program steps and are not tangible.

Claims 1-21 are statutory because the claimed method is carried out with a tangible processing device (as per paragraph 20 of the specification.).

Claims 22-31 are statutory because a tangible storage device is claimed.

Claim 33 is statutory because a tangible processing device is claimed.

Claims 33-40 are statutory because the marking is carried out with a tangible processing device.

Claims 5-6, 8, 16-18, 20, 31-32, 38-39 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 8, 20, 32, 38-39 were ambiguous. The meaning of "...generating a temporary memory structure..." is ambiguous.

Claim 6 is ambiguous. The meaning of "...generating a temporary memory structure..." is ambiguous.

Claims 16-18 are ambiguous because while the independent claim preamble recites “marking” the drawing, such a feature has not been claimed.

Claim 31 is ambiguous because the meaning cannot be determined.

Claim 32 is ambiguous because there are two transitional phrases, namely “including, comprising.”

Claim 41 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language.

Claims 1-12, 14-22, 26-30, 32-40 were rejected under 35 U.S.C. §102(e) as being clearly anticipated by *Jung* (U.S. Patent No. 6,996,503).

## II. Summary of the Amendments

Applicant has amended Figure 1, amended claims 13 and 23 and cancelled claims 1-12, 14-22 and 26-41.

## III. Objection to the Drawings

The Examiner objected to Figure 1, indicating that the Figure should be designated by a legend such as –Prior Art—because only that which is old is illustrated. Applicant has amended Figure 1 to indicate that it is prior art. An amended sheet containing Figure 1 and labeled as “REPLACEMENT SHEET” is included herewith. Applicant respectfully submits that the objection to the drawings has been overcome and is now moot.

## IV. Allowable Subject Matter

The Examiner indicated that claims 13 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all to the limitations of the base claim and any intervening claims.

Applicant has rewritten claim 13 to include the limitations of base claim 1 and intervening claims 9 and 12, and rewritten claim 23 to include the limitations of base claim 22.

Claims 24 and 25 depend from claim 23. Claims 1-12, 14-22 and 26-41 have been cancelled in

order to expedite prosecution for this case. Applicant reserves the right to pursue the cancelled claims in their original form in a continuation or other related application. Applicant submits that the present application is now in condition for allowance and respectfully requests a notice of allowance.

Based on the above amendments and these remarks, reconsideration of Claims 13 and 23-25 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, March 6, 2007.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: /Stephen R. Bachmann/

Stephen R. Bachmann  
Reg. No. 50,806

VIERRA MAGEN MARCUS & DENIRO LLP  
575 Market Street, Suite 2500  
San Francisco, CA 94105-2871  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665